

United States District Court

OCT 29 2012 SOUTHERNDISTRICT OFTEXASDavid J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

Jose HERNANDEZ, Jr.
Brownsville, TX
United States

CRIMINAL COMPLAINTCase Number: **5:12mj 1376**

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about October 25, 2012 in Hebbronville, TX Jim Hogg County, in the Southern District of Texas, Jose HERNANDEZ, Jr. defendant(s),

a United States Citizen, did unlawfully transport Mexican Nationals Cristou Alfonso MONDRAGON-RIVAS and Jorge Alberto LAGUNA-MARTINEZ, along with ten (10) others, by means of a motor vehicle within the Southern District of Texas, knowing or in reckless disregard of the fact that said aliens had come to, entered, or remained in the United States in violation of law, and transported or moved said aliens within the United States by means of motor vehicle or otherwise, in furtherance of such violation of law.

in violation of Title 8 United States Code, Section(s) 1324 (a)(1)(A)(ii)

I further state that I am a(n) U.S. Immigration and Customs Enforcement Special Agent and that this complaint is based
 Official Title
 on the following facts: based on statements of the accused and the records of the Immigration & Customs Enforcement.

Continued on the attached sheet and made a part of this complaint:

 Yes No


Signature of Complainant

Marco A. Montemayor, Special Agent HSI

Printed Name of Complainant

Sworn to before me and signed in my presence,

October 29, 2012

Date

at Laredo, Texas

City and State

Honorable Diana Song QuirogaU.S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

• United States of America

Page 2

vs

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[CONT OF BASIS OF COMPLAINT]

On October 25, 2012, at approximately 5:50pm, Border Patrol Agents assigned to the United States Border Patrol Checkpoint located approximately 1 mile East of Hebbronville, Texas on Farm to Market (FM) road 1017, conducted an immigration inspection on the Jose HERNANDEZ, Jr. HERNANDEZ was driving a tractor with a grain hopper trailer, and during initial inspection, stated that the trailer was empty. After a positive canine alert, HERNANDEZ was referred for a secondary inspection.

During secondary inspection, Border Patrol Agents obtained consensual access to the trailer. A tarp covering the trailer was retracted, revealing a modification to the inside of the trailer, which was now fitted with plywood sheets across the center base of said trailer, creating a makeshift floorboard, and rendering the trailer useless for its original purpose of hauling seeds. The plywood sheets essentially would block the seed or comparable products from being unloaded from said trailer.

While inspecting the trailer, US Border Patrol agents encountered twelve (12) individuals sitting on the makeshift plywood floorboard, and after conducting an immigration inspection, all 12 individuals were determined to be illegally present in the United States.

At approximately 9:45pm, HERNANDEZ was read his Miranda Rights by Homeland Security Investigations (HSI) Special Agents in the English language. HERNANDEZ invoked his right to an attorney and the interview was terminated.

Both material witnesses held by HSI, Cristou Alfonso MONDRAGON-RIVAS and Jorge Alberto LAGUNA-MARTINEZ, stated that they illegally entered the United States approximately two weeks prior, and that they were being charged approximately \$4,000 USDS for being illegally crossed into the United States. MONDRAGON-RIVAS and LAGUNA-MARTINEZ each stated that they had boarded the trailer approximately two and one half to 3 hours before being stopped and detained by Border Patrol Agents. The material witnesses stated that they were delivered to the tractor trailer, which was turned on and parked on the side of a highway, and instructed to board the trailer. Both material witnesses stated that once the tractor trailer began to drive away, it did not stop until reaching the Border Patrol checkpoint.

HERNANDEZ, MONDRAGON-RIVAS and LAGUNA-MARTINEZ were arrested and transported to Webb County Jail without incident.